work great hardship to him. Then so long as the party employing does not discharge him or require him to come less frequently, he cannot afterwards complain of the frequency of his visits. *Wood on Master and Servant*, Sec. 177; *Todd* v. *Myres*, 40 Cal. 357.

PRINCIPAL AND AGENT—FALSE IMPRISONMENT—SCOPE OF AUTHORITY—DUPRE V. CHILDS, 65 N. Y. Sup. 179.—Defendant owned a restaurant in New York city. One of its rules prohibited its patrons from passing out without stopping at the cashier's desk. Plaintiff who had not been served passed out, knowing nothing of the rule, was followed by defendant's manager and caused to be arrested. *Held*, the act was within the scope of the agent's authority and principal was liable, although agent's instructions were not to leave the restaurant. *Mott* v. *Ice Co.*, 73 N. Y. 543; *Palmer* v. *Railway Co.*, 133 N. Y. 261. Two judges dissent, citing *Mulligan* v. *R. R. Co.*, 129 N. Y. 506, on the ground that it is not within the scope of the agent's authority.

RAILROADS—EJECTING TRESPASSERS—AUTHORITY OF BRAKEMAN—COLLUSION—CARE OWING TRESPASSER—NEGLIGENCE—TEXAS & P. RY. CO. V. BLACK, 57 S. W. 330 (Tex.).—Frank Black, a negro, paid regular fare to brakeman who consented that he should ride but later ordered him from the freight train. On refusing to leave the train the brakeman knocked Black off. *Held*, that the Ry. Co. was liable for the resulting injuries. Stephens, J., dissenting.

In *Ga. Ry. & B. Co.* v. *Wood*, 94 Ga. 124, it was held that throwing stones at trespassers was not in scope of brakeman's duty; in *Rounds* v. *D., L. & W. Ry. Co.*, 64 N. Y. 129, the jury was to decide whether or not the kicking of a passenger from a moving train was within a baggageman's authority; while in the case at bar the court says absolutely that the ejection was within the actual scope of the brakeman's employment. However, the court held that considerations of humanity imperatively demand that railways so conduct their business as not unnecessarily to injure even the trespasser. *R. R. Co.* v. *Grisley*, 35 S. W. 815; *R. R. Co.* v. *Bellew*, 54 S. W. 1079.

The defense of collusion was not allowed because not pleaded specially. Two recent cases give a fine discussion on collusion of this nature:—*Brewing* v. *R. R. Co.*, 66 N. W. 403 (Minn.); and *R. R. Co.* v. *Anderson*, 25 South. 865.

REGULATION FOR PROTECTION AGAINST CONTAGIOUS DISEASES—CONSTITUTIONALITY—WONG WAI V. WILLIAMSON, ET AL., 103 Fed. 1.—The Board of Health of San Francisco forbid any Chinese or Asiatic person from leaving the city without first submitting to inoculation for the bubonic plague. *Held*, to be an unconstitutional invasion of the rights of the persons against whom it was directed.

The decision is based on the belief that the above regulation is not a necessary one to protect the health of the city. There is nothing in the decision to deny the well established rule that a health board has power to enact proper rules and regulations of this sort. As a decision it simply shows that courts will not allow its abuse. The court looks upon it as an oppressive discrimination against the Chinese and further, as no consideration is taken as to whether they have had the plague or have been exposed to it. The decision is the result of careful, logical distinctions. While from a legal point of view they can not but be commended, yet they might result disastrously in their practical results.

TOWN BONDS—VALIDITY—BONA FIDE HOLDERS—CITIZENS SAVINGS BANK V. TOWN OF GREENBURG, 65 N. Y. Supp. 554.—Defendant town issued interest-bearing bonds and delivered them to commissioners appointed by the Supreme Court who had power under a statute to sell them at not less than par. The bonds were sold to a New York firm for their face value, but upon credit, and